STATE OF WISCONSIN
Department of Health and Family Services
Division of Children and Family Services

DCFS Memo Series 2006 -

Re: ROLE OF FOSTER PARENTS AND PHYSICAL CUSTODIANS

IN HEARINGS AND

PERMANENCY PLAN REVIEWS

To: Area Administrators/ Human Services Area Coordinators

Bureau Directors

County Departments of Community Programs Directors County Departments of Developmental Disabilities

Services Directors

County Departments of Human Services Directors County Departments of Social Services Directors

Licensing Chiefs/Section Chiefs

Tribal Chairpersons/Human Services Facilitators

From: Burnie Bridge

Administrator

This memo was developed as a part of the Program Enhancement Plan, Wisconsin's response to the federal Child and Family Services Review, to clarify the role of foster parents and other physical custodians in court proceedings. It explains the rights of foster parents and other physical custodians to receive notice of court hearings and permanency plan reviews involving a child in their care, and if the court allows, the opportunity for foster parents and other physical custodians to provide information to the court. It also provides a tool to assist foster parents and other physical custodians in determining what information can be appropriate to provide to the court and encourages agencies to incorporate information from foster parents and other physical custodians into documents or other testimony submitted to the court.

As established in s. 48.27(3)(a), 48.38(5)(b), 43.38(5m)(b), and 938.27(3)(a), 938.38(5)(b), and 938.38(5m)(b), Stats., agencies are required to notify foster parents and other physical custodians of the date, time, and place of all hearing and permanency plan reviews related to the child in their care, except hearings on matters for which notice need only be provided to the child and his or her counsel. Any person who receives notice of a hearing or permanency plan review also has the opportunity to be heard by submitting written comments related to the hearing or permanency plan review no less than 10 days before the date of the hearing or permanency plan review or by participating in the hearing or permanency plan review. However, the opportunity of a foster parent or other physical custodian to be heard does not guarantee that the foster parent or other physical custodian may be allowed to make a verbal statement in court at the hearing or permanency plan review. In addition, a foster parent or other physical custodian who receives a notice of a hearing or permanency plan review does not become party to the hearing solely on the basis of receiving notice and having an opportunity to be heard.

Attached to this memo is an optional form to help foster parents organize information they have that they think would be useful for the review panel or court to take into consideration at a hearing or permanency plan review related to the child in their care. As previously mentioned, foster parents are not guaranteed the opportunity to make a verbal statement at a hearing or review. It may be beneficial for foster parents to provide information in writing before the hearing or permanency plan review to assure that the review panel or court receives any additional information relevant to the issues under consideration. Foster parents should be made aware that any information provided to the court is distributed to all parties involved in the case and is not confidential information between a foster parent and a judge or review panel.

Document Summary

Agencies are encouraged to offer the attached resource to their foster parents or other physical custodians to help foster parents and other physical custodians provide clear and useful information to the court. Case workers should also incorporate any relevant information from foster parents into a child's permanency plan or other documents to the court when appropriate.

For more information about the Program Enhancement Plan or federal Child and Family Services Review, please visit the Division of Children and Family Services web site at http://dhfs.wisconsin.gov/cwreview/cfsr.htm

REGIONAL OFFICE CONTACT: Area Administrator

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Out-of-Home Care Planner

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MEMO WEB SITE: http://dhfs.wisconsin.gov/partners/local.htm

Attachments:

CC: Child-Placing Agencies

#memo/dcfs/ foster parents court perm plan reviews.doc